

Introduction

Comparison of State Unemployment Insurance Laws



U.S. DEPARTMENT OF LABOR

J. D. Hodgson, Secretary

Manpower Administration

Unemployment Insurance Service

January 1972

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U.S. DEPARTMENT OF LABOR
Manpower Administration
Unemployment Insurance Service
Washington, D.C. 20210

COMPARISON OF STATE UNEMPLOYMENT INSURANCE LAWS

Comparison Revision
Number 2
January 7, 1973

To UI *Comparison* Users:

This transmittal covers the second of a semiannual series of revisions. The pages reflect changes in State laws effective since publication of the August 1972 revision of the *Comparison* and include technical modifications in existing text and tables.

The revised pages are indicated by "Rev. January 1973" and backup pages carry only the new date. A page checklist is included with this transmittal identifying all pages, by date of original issue (January 1972), or appropriate revised date. The original pages do not carry the January 1972 date.

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PREFACE

In the Federal-State system of unemployment insurance established in this country under the Social Security Act, the individual States have been free to develop the particular program that seems best adapted to conditions prevailing within the State. Consequently, no two State laws are alike.

It is important that the public know the details of the employment security program and understand how it functions as a part of the Nation's comprehensive system of social insurance. The *Comparison of State Unemployment Insurance Laws* reports State by State the types of workers and employers that are covered under the State law; the methods of financing the program; the benefits that are payable; the conditions to be met for payment; and the administrative organizations established to do the job. Such specific technical information is essential to an understanding of how the employment security program can make its maximum contribution to individual and family security as well as to the stability of business and of the economy in general.

While the *Comparison* analyzes primarily the State statutes, in certain cases in which general statements in the statutes are implemented by specific statements in rules, regulations, opinions of attorneys general, or court decisions, the latter are included with notes indicating their source.

In the text and tables, "State" includes the District of Columbia and the Commonwealth of Puerto Rico, in accordance with the definition of State in the Social Security Act and the Federal Unemployment Tax Act. The Virgin Islands enacted an unemployment insurance law in 1961 which provides for contributions on wages paid after January 1, 1962, and for the payment of benefits beginning January 1, 1964. Since the program is not included in the Federal-State system of unemployment insurance set up under the Social Security Act, no analysis of the provisions of the law is included here.

The Railroad Unemployment Insurance Act, which is administered by the Railroad Retirement Board for railroad workers, is outside of the Federal-State system of unemployment insurance and is not included in this comparison. Benefits are payable to railroad workers for unemployment due to sickness as well as to lack of work under a Federal formula applicable throughout the country.

Six States provide benefits for unemployment due to nonoccupational disability as well as for unemployment due to lack of work. In California, New Jersey, Puerto Rico and Rhode Island, the programs are administered by the unemployment insurance agencies. The Hawaii law is administered separately from unemployment insurance by the Temporary Disability Insurance Division of The Department of Labor and Industrial Relations. The New York law is administered by the State workmen's compensation agency. The laws of these six States are compared briefly in chapter 600.

Since the State employment security agencies are administering the unemployment insurance provisions of ch. 85, title 5, U.S.C., the training allowance and assistance provisions of the Manpower Development and Training Act, (42 U.S.C. 2571), the Trade Expansion Act (19 U.S.C. 2001), the Work Incentive Program (42 U.S.C. 602), and the Disaster Relief Act (P.L. 91-606), a brief description of these Federal programs is included in chapters 700 and 800.

PREFACE

Substantial changes in format have been initiated with the issuance of the January 1, 1972, edition of the *Comparison*. An overall table of contents and a list of tables can be found at the front of the document. The numbering system of both text and tables has been altered so that, for instance, each page, section, and table in the first chapter, Coverage, will begin with the number one. The pages are numbered in sequence 1-1, 1-2, 1-3, etc.; the tables are numbered from 100 to 104, and the sections are numbered 100, 105, etc. The eight chapters of the *Comparison* deal with the following major subject areas: Coverage (1); Taxation (2); Benefits (3); Eligibility (4); Administration (5); Disability (6); Federal Claims (7); and Readjustment Allowances (8). The numbers in the parentheses are used as prefixes in the page numbering for each of these chapters and appear as the first number in the tables accompanying each chapter.

It is planned to update the material semiannually and only pages which require modification will be issued. These pages will be distributed under cover of a transmittal letter.

The *Comparison* has been issued solely for informational, reference, and research purposes. It should not be considered an official interpretation of the State unemployment insurance laws. The State statutes must be consulted for the full text of State laws. The State rules and regulations, opinions of attorneys general, and administrative and court decisions contain the official interpretations of these laws.

The *Comparison* has been prepared by the Legislative Policy, Program Development and Library Service Staff of the Office of Program Development and Legislation in the Unemployment Insurance Service. It supersedes the *Comparison of State Unemployment Insurance Laws* which was issued on January 1, 1966.

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Abbreviations used in the tables:

AWW--average weekly wage
BP--base period
BPW--base-period wages
BY--benefit year
consec.--consecutive
CQ--calendar quarter
CY--calendar year
dep.--dependent
DA--dependents allowance
DI--disability insurance
emplmt.--employment
ER--employer
FUTA--Federal Unemployment Tax Act
HQQW--high-quarter wages
min.--minimum
max.--maximum
PT--part-time
sched.--schedule
UI--unemployment insurance
WBA--weekly benefit amount
W--week
wk.--week
WF--week of filing
WW--waiting week

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